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RECEIVED
JUN 28 2006
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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE VENUE

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 vs.
14 JON R. DOYLE,
15 Defendant.

Case No. CR-05-00199 HRL

STIPULATION AND ORDER
CONTINUING SENTENCING
HEARING

Crim. L.R. 32-2

16
17 STIPULATION

18 Pursuant to Criminal Local Rule 32-2, Jon R. Doyle requests that the court continue the
19 sentencing hearing to September 28, 2006 at 9:30 a.m.

20 Good cause exists to continue this hearing. Late last month the victim, E-brary, directed that
21 its associate general counsel engage in restitution discussion with defense counsel in an attempt to
22 resolve the restitution issue prior to the sentence hearing. The parties believe that resolving
23 restitution prior to sentencing will preserve judicial resources and allow the sentencing to proceed
24 without the necessity of a drawn out hearing on that issue. After a preliminary discussion between
25 defense counsel and counsel for E-brary the parties are set to meet at E-brary on July 10, 2006.
26 Therefore, it is necessary to continue the sentencing hearing to resolve the restitution issue.
27 Additionally, continuing the sentencing hearing to September 28, 2006 will allow the probation
28 officer adequate time to incorporate the restitution resolution into the Pre-sentence Report.

1

2. On June 27, 2006, I discussed the reasons for seeking a continuance of the sentencing
3 hearing and the proposed hearing date of September 28, 2006, with Assistant United
4 States Attorney Shashi H. Kewalranani. Mr. Kewalranani does not object to the
5 stipulation and continued hearing date.

6

7. 2. On June 26, 2006, I had a follow-up discussion with Assistant Probation Officer J.D.
8 Woods about seeking a continuance of the sentencing hearing and the proposed
9 hearing date of September 28, 2006. Mr. Woods does not object to the stipulation
10 and continued hearing date.

11

12. 3. On June 26, 2006, my secretary confirmed with the Courtroom Deputy Clerk that
13 September 28, 2006 at 9:30 a.m. is available as a proposed hearing date.

14

15 I declare under penalty of perjury under the laws of the United States of America that the
16 foregoing is true and correct and that this document was executed on the 27th day of June 2006 at
17 San Jose, California.

18 Dated: June 27, 2006

19 BERLINER COHEN

20

21 By /s/Christian E. Picone

22 FRANK R. UBHAUS
23 CHRISTIAN E. PICONE
24 ATTORNEYS FOR JON R. DOYLE

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I approve of the above Stipulation.

Dated: June 27, 2006

KEVIN D. RYAN
UNITED STATES ATTORNEY

By /s/Shashi H. Kewalranani
SHASHI H. KEWALRANANI
ASSISTANT UNITED STATES
ATTORNEY

ORDER

Based on the foregoing stipulation and good cause appearing therefore, it is hereby ordered that the sentencing hearing scheduled for Thursday, June 29, 2006 is vacated and this matter is continued for a sentencing hearing on Thursday, September 28, 2006 at 9:30 a.m.

Dated: June 10, 2006

HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE